# PART IV

## SECTION 2-B

## MYSORE ACTS AND ORDINANCES

### LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

## NOTIFICATION.

No. LAW 2 LGN 70, Bangalore, dated the 16th February 1970.

Ordered that the **Mysore Excise (Amendment) Act, 1970** which received the assent of the Governor on the Fourteenth day of February 1970, be published as Mysore Act No. 1 of 1970 in the *Mysore Gazette*, for general information.

# MYSORE ACT No. 1 OF 1970.

(*First published in the Mysore Gazette on the Nineteenth day of February* 1970.)

## THE MYSORE EXCISE (AMENDMENT) ACT 1970.

(*Received the assent of the Governor on the Fourteenth day of Februray* 1970).

An Act to amend the Mysore Excise Act, 1965.

WHEREAS it is expedient to amend the Mysore Excise Act, 1965 (Mysore Act 21 of 1966);

BE it enacted by the Mysore State Legislature in the Twenty-first Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Mysore Excise (Amendment) Act, 1970.

(2) It shall be deemed to have come into force on the 23rd day of December 1969.

2. *Amendment of section* 2.—In section 2 of the Mysore Excise Act, 1965 (Mysore Act 21 of 1966) (hereinafter referred to as the principal Act),—

(i) in sub-clause (*a*) of clause (18), after the words "containing alcohol", the words "or wash" shall be inserted;

(ii) after clause (19), the following clauses shall be inserted, namely :—

"(19A) "material" includes mhowra flower, molasses, wash, rotten jaggery, grapes, cashewnut fruits, and such other substances as the State Government may by notification specify;

(19B) "mhowra flower" means the flower of *sialatifolla (Ippe)* but does not include the berry or of the mhowra tree;

(19C) "molasses" means the heavy, dark coloured residual syrup drained away in the final stage of the manufacture of jaggery or sugar containing in solution or suspension, sugars which can be fermented, and includes any product formed by the addition to such syrup of any ingredient which does not substantially alter the character of such syrup; but does not include any article which the State Government may by notification declare not to be molasses, for the purposes of this Act;";

(iii) after clause (24), the following clause shall be inserted, namely:—

"(24A) "rotten jaggery" means jaggery which is unfit for human consumption or the consumption of which is injurious to health;

*Explanation.*—'jaggery' shall be deemed to be unfit for human consumption or the consumption of it shall be deemed to be injurious to health if it is of dark brown colour with strong smell or if on chemical analysis it is found to contain more than fifteen per cent of reducing sugar or less than seventeen per cent of total sugar;" and

(iv) after clause (29), the following clause shall be added, namely:—

"(30) "wash" includes fermented wort and a dilute solution of sugar from which spirit is distilled.".

3. *Substitution of new section for section* 7.—For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. *Delegation of powers.*—(1) The State Government may by notification delegate to the Excise Commissioner or to any other Excise Officer any of its powers under this Act except the powers under sections 67 and 71.

(2) The State Government may by notification delegate subject to such conditions and restrictions as may be specified therein any of the powers conferred by or under this Act on the Excise Commissioner or the Deputy Commissioner, to any Excise Officer.".

4. *Amendment of section* 32.—In section 32 of the principal Act,—

(1) in sub-section (1),—

(i) for the words "be punished with imprisonment for a term which may extend to six months and with fine", the words "be punished for each offence with rigorous imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees" shall be substituted;

(ii) for the provisos, the following proviso shall be substituted, namely:—

"Provided that the punishment

(i) for the first offence shall be not less than three months' rigorous imprisonment and fine of not less than rupees one hundred; and

(ii) for the second and subsequent offences shall be not less than six months' rigorous imprisonment and fine of not less than rupees one thousand for each such offence."; and

(2) in sub-section (2),—

(i) for the words "be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both", the words "be punished for each offence with rigorous imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees" shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely :—

"Provided that the punishment—

(i) for the first offence shall be not less than three months' rigorous imprisonment and fine of not less than rupees one hundred; and

(ii) for the second and subsequent offences shall be not less than six months' rigorous imprisonment and fine of not less than rupees one thousand for each such offence.".

5. *Amendment of section* 33.—In section 33 of the principal Act, for the words "be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both", the words "be punished for each offence with rigorous imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees" shall be substituted and the following proviso shall be inserted before the Explanation, namely :—

"Provided that the punishment—

(i) for the first offence shall be not less than six months' rigorous imprisonment and fine of not less than five hundred rupees ; and

(ii) for the second and subsequent offences shall be not less than rigorous imprisonment for one year and fine of not less than rupees one thousand, for each such offence.".

6. *Amendment of section* 34.—In section 34 of the principal Act,—

(i) for the words "or with fine which may extend to one thousand rupees, or with both", the words "and with fine which may extend to two thousand rupees" shall be substituted; and

(ii) for the proviso, the following provisos shall be substituted, namely :—

"Provided that the punishment,—

(i) for the first offence shall be not less than three months' imprisonment and fine of rupees one hundred ; and

(ii) for the second and subsequent offences shall be not less than imprisonment for six months and fine of not less than rupees one thousand for each such offence :

Provided further that the fine inflicted, shall not be less than four times the amount of duty leviable on such intoxicant.".

7. *Amendment of section* 35.—In section 35 of the principal Act, for the words "with fine which may extend to two hundred rupees", the words "with fine which shall not be less than two hundred rupees and not more than one thousand rupees" shall be substituted.

8. *Amendment of section* 37.—In section 37 of the principal Act,—

(1) in sub-section (1), for the words "which may extend to five hundred rupees", the words "which shall not be less than one thousand rupees and not more than two thousand rupees" shall be substituted ;

(2) in sub-section (2), for the words "three months or with fine which may extend to five hundred rupees, or with both", the words "two years and with fine which may extend to one thousand rupees" shall be substituted, and the following proviso shall be added at the end, namely :—

"Provided that the punishment,—

(i) for the first offence shall be not less than three months' imprisonment and fine of not less than rupees two hundred ; and

(ii) for the second and subsequent offences shall be not less than imprisonment for six months and fine of not less than rupees five hundred, for each such offence ; ".

9. *Insertion of new section* 38A.—After section 38 of the principal Act, the following section shall be inserted, namely :—

"38A. *Penalty for allowing premises, etc., to be used for the purpose of committing an offence under this Act.*—Whoever, being the owner or occupier or having the use or care or management or control, of any place, room, enclosure, space, vessel, vehicle, or place knowingly permits it to be used for the purpose of commission by any other person of an offence punishable under sections 32, 33, 34, 36 and 37 shall, on conviction, be punished as if he has committed the offences punishable under the respective sections.'

10. *Amendment of section* 42.—In section 42 of the principal Act, the words and figures " section 32, section 33, section 34, section 37 or " shall be omitted and for the words " any of these sections ", the words " the said section ", shall be substituted.

11. *Amendment of section* 44.—In section 44 of the principal Act, sub-section (1) shall be omitted.

12. *Amendment of section* 67.—In clause (a) of section 67 of the principal Act,—

(i) after the words " or reduce ", the words " whether prospectively or retrospectively " shall be inserted ;

(ii) in item (i), the word " or " shall be omitted ;

(iii) in item (ii), the word " or " shall be added at the end ; and

(iv) after item (ii), the following item shall be inserted, namely :—

"(iii) to any industrial concern or class or classes of industrial concerns ;".

13. *Repeal of Mysore Ordinance No. 9 of 1969.*—The Mysore Excise (Amendment) Ordinance, 1969, is hereby repealed :

Provided that anything done or any action taken including any notification issued under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken or issued under the principal Act as amended by this Act.

By Order and in the name of the Governor of Mysore,

C. G[illegible]

*Secretary to Government,*
*Dept. of Law and Parliamentary Affairs.*

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